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**SCHEDULE—PROVISION AS TO THE CONDUCT OF
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**THE COUNTY STATISTICS BILL,
2021**

A Bill for

AN ACT of Parliament to provide a framework for the collection, compilation, analysis and dissemination of statistical information; to establish a county statistics office; to establish the office of the county statistician; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I— PRELIMINARY

1. This Act may be cited as the County Statistics Act, 2021. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to statistics;

“county executive committee member” means the county executive committee member for the time being responsible for matters relating to statistics;

“county public service board ” means the county public service board established under section 57 of the County Governments Act;

“county statistical system” means—

- (a) the producers of statistics including departments in the county executive government;
- (b) data users;
- (c) data suppliers; and
- (d) research institutions;

“county statistician” means the county statistician appointed under section 5.

“Fund” means the county statistics fund established under section 23; No.17 of 2012

“Kenya National Bureau of Statistics” means the Kenya National Bureau of Statistics established under section 3 of the Statistics Act; Cap 112

“Office” means the County Statistics Office

established under section 3;

“official body” means—

- (a) a body corporate or other body established for a public purpose by or under an Act of Parliament or an Act of a county assembly; or
- (b) the holder of an office established for public purposes by or under an Act of Parliament or an Act of a county assembly.

No. 4 of 2006.

“statistics” means aggregated numerical information relating to demographic, economic, financial, environmental, social or similar matters, at national or county level, which is compiled and analyzed according to relevant scientific and statistical methodology;

“statistical information” means—

- (a) in the case of the Kenya National Bureau of Statistics, information collected by the Bureau, for purposes of the Statistics Act; and
- (b) in the case of the office, information collected by the office, for purposes of this Act; and

“technical committee” means the Intergovernmental Technical Committee on Statistics established under section 8.

PART II—ESTABLISHMENT OF THE COUNTY STATISTICS OFFICE

3. There is established, in every county, the county statistics office which is an office within the county public service under the county executive committee member responsible for county statistics.

County statistics office.

4. (1) The county statistics office is responsible for-

- (a) collecting, compiling, analyzing, abstracting and disseminating statistical information on the matters set out in Part 2 of the Fourth Schedule to the Constitution;
- (b) maintaining a comprehensive and reliable socio-economic information database relating to the respective county;
- (c) coordinating the compilation and dissemination of statistics and related information in the respective

Functions of the office.

county with particular regard to—

- (i) the avoidance of duplication in the collection of statistical information;
 - (ii) the attainment of compatibility and the integration of statistics compiled by official bodies; and
 - (iii) the maximum possible utilization for statistical purposes of information and means of collection of information available to official bodies;
- (d) advising the respective county government on all matters related to the use and development of statistical information;
- (e) serving as liaison between the national government and county government on matters relating to statistics;
- (f) coordinating the county statistical system;
- (g) monitoring the technical quality of official statistics within the county and promoting adherence to good practices and the recommendations of the Bureau; and
- (h) Carrying out all other functions relating to statistics under any other law.

(2) The office shall, in carrying out its responsibilities under sub-section (1), be guided by statistical standards and use appropriate methodologies approved by the Kenya National Bureau of Statistics.

5. (1) There shall be a county statistician who shall be recruited competitively and appointed by the county public service board on such terms and conditions as the County Public Service Board, on the advice of the Salaries and Remuneration Commission, shall determine.

County
statistician.

(2) The county statistician shall be the head of the Office and shall be responsible to the county executive committee member for—

- (a) the day to day management of the Office;
- (b) the management of the staff of the Office;
- (c) overseeing the implementation of the policies,

programmes and objectives of the Office; and

(d) the preparation of the following documents for the approval of the county executive committee member—

(i) the strategic plan and annual plan of the Office; and

(ii) the annual budget of the Office; and

(e) the performance of any other duty that may be assigned to the county statistician by the county executive committee member.

(3) A person is qualified for appointment as the county statistician if the person—

(a) holds at least a degree in statistics, information technology, economics, social sciences or mathematics; and

(b) has at least five years' experience in public administration.

6. The county public service board may remove the county statistician from office in accordance with the procedure established for purposes of county public service officers.

Removal from office.

7. The county public service board, in consultation with the county executive committee member, may appoint persons or designate such public officers as may be necessary to serve in the office for the proper functioning of the office.

Staff of the office.

PART III—INTERGOVERNMENTAL TECHNICAL COMMITTEE ON STATISTICS

8. (1) There is established a technical committee known as the Intergovernmental Technical Committee on County Statistics comprising—

Technical Committee.

(a) the Principal Secretary in the Ministry responsible for matters relating to statistics who shall be the chairperson;

(b) one county executive committee member responsible for matters relating to statistics nominated by the Council of County Governors;

- (c) one county statistician nominated by the Council of County Governors;
 - (d) three persons appointed by the Cabinet Secretary from entities recognized by the government as representing—
 - (i) statisticians;
 - (ii) research institutions; and
 - (iii) public universities;
 - (e) one person nominated by the National Council for Population and Development; and
 - (f) the Director General of the Kenya National Bureau of Statistics or an officer designated by the Director General of the Bureau who shall be the secretary to the technical committee and shall have no vote.
- (2) The persons nominated under subsection (1) (d), (e,) and (f) shall —
- (a) be appointed by the Cabinet Secretary by notice in the *Gazette*; and
 - (b) serve on a part-time basis for a term of four years renewable for one further term.
- (3) The Cabinet Secretary shall appoint the first members of the technical committee under subsection (1)(d)(e) and (f) within two months of the commencement of this Act.
- (4) The Cabinet Secretary shall provide the technical committee with such facilities and other support as it may require for the discharge of its functions.

10. The technical committee shall—

- (a) develop strategies which shall ensure uniform standards, policies and methodologies amongst the various offices of county statistician;
- (b) examine and make recommendations on the formulation and implementation of statistical programmes of the office on an annual basis;
- (c) develop a framework for the vertical and

Functions of the technical committee.

horizontal coordination of the office in the counties and the Kenya National Bureau of Statistics; and

- (d) co-ordinate the harmonization of national and county policy and methodologies relating to statistics.

11. (1) The technical committee shall meet at least twice a year at a time and place to be determined by the chairperson.

Meetings of the consultative committee.

(2) The chairperson of the technical committee may call for a meeting of the committee at any other time that the chairperson may consider appropriate.

(3) The provisions of the Schedule shall apply to the meetings of the technical committee.

PART IV—STATISTICAL INFORMATION

12. (1) The national government and the county governments shall consult and cooperate with each other in the performance of their functions including the collection, analysis, dissemination and use of statistical information.

Coordination between governments.

(2) The Kenya National Bureau of Statistics and the office shall, pursuant to the Access to Information Act, ensure that the statistics held by it are accessible to the members of the public.

No. 31 of 2016

13. (1) The office shall collect statistics relating to any of the matters within the functional areas of the county governments as set out in Part 2 of the Fourth Schedule to the Constitution.

Power to obtain information.

(2) In the execution of the functions under subsection (1), the County Statistician may-

- (a) by notice in writing require a person to—
 - (i) furnish in such form, time and manner as may be specified in the notice any information, estimates, return or particulars of a matter relating to any particulars; or
 - (ii) complete a form contained in the notice setting out particulars of any matter specified in Part 2 of the Fourth Schedule to the Constitution; and

(b) interview a person on the information submitted under paragraph (a);

(3) A notice referred to in subsection (2) shall contain the following information—

(a) a statement that the notice it is served in exercise of the powers conferred on the county statistician under this Act; and

(b) a general statement of the purpose for which the information, estimate, return or particulars is required.

(4) The county statistician shall publish in the county *gazette* and in a newspaper in circulation in the county a list of the classes or description of matters to which returns may be required for any of the purposes of this Act.

(5) A department in the respective county government shall, in collecting, analyzing and disseminating statistics, be guided by the standards and methodologies approved by the Kenya National Bureau of Statistics under section 4(2).

14. The county statistician shall issue a code of practice that sets out professional standards to be followed by all departments and agencies of the county government.

Code of practice.

15. (1) Any person, other than an officer of the office or the Kenya National Bureau of Statistics, who intends to conduct a statistical survey in a county on any matter set out in the Fourth Schedule, shall obtain the approval of the office.

Conduct of surveys by private institutions.

(2) A person referred to in subsection (1) shall submit plans to the county statistician at least three months before the commencement of the intended survey.

(3) Notwithstanding subsection (2) the county statistician may, in the case of an emergency, waive the requirement for the submission of an application under subsection (1) at least three months before the commencement of the survey.

(4) A person who obtains approval under subsection (1) shall submit a copy of the report of the survey to the county statistician within three months of the completion of

the survey.

16. (1) The powers of a county statistician under this Act shall be subject to any law relating to the non-disclosure of any official secret, trade secret or any confidential information.

Confidentiality and disclosure.

(2) Any data collected for statistical purposes shall be treated as confidential and shall not be disseminated for purposes other than those contemplated under this Act.

17. The county statistician may, at the request of any person and upon the payment of the prescribed fee, provide to that person any information relating to the functions of the office under this Act.

Statistician to give information.

18. The county statistician shall—

Dissemination and access.

- (a) provide up-to-date information on the methods and procedures used to compile official county statistics; and
- (b) disseminate and make available to the public any analysis of statistical information.

PART V— MISCELLANEOUS PROVISIONS

19. (1) The county executive committee member shall, four months after the end of each financial year, make a report to the respective governor on new statistical information on matters affecting the county government.

Annual reports.

(2) The county executive committee member shall transmit the report under subsection (1) to the Kenya National Bureau of Statistics.

(3) The report made under subsection (1) shall be transmitted electronically to the Kenya National Bureau of Statistics for the purpose of aggregation of statistics from the counties.

(4) The governor shall, upon receipt of the report, cause the report under subsection (1) to be tabled before the county assembly.

20. A person who—

Offences and penalties.

- (a) is employed for any of the purposes of this Act, and who without lawful authority, publishes or

communicates to any person, otherwise than in the course of that persons employment, any information acquired by the office;

- (b) fails to obtain an approval for conduct of surveys under section 14;
- (c) fails to furnish any information, estimate, return or particulars which that person is required to furnish under this Act; or
- (d) recklessly or willfully makes a false statement in the course of furnishing any information, estimate, return or particular required by the county statistician; or

(e) fraudulently or wilfully gives inaccurate or false statistical information to an officer appointed under this Act,

commits an offence and is , on conviction to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding six months or to both.

21. (1) The county executive committee member may make Regulations for the better carrying out of this Act. Regulations.

(2) Without prejudice to the generality of the foregoing, the county executive committee member may make Regulations prescribing —

- (a) the forms and manner in which returns may be made under this Act; and
- (b) any fees payable under this Act.

22. Section 18 of the Statistics Act is amended in subsection (1) by deleting the words “or local level” appearing immediately before the word “shall”. Amendment to
Cap 112.

SCHEDULE**(s. 10(3))****PROVISIONS AS TO THE CONDUCT OF BUSINESS
AND AFFAIRS OF THE INTERGOVERNMENTAL
TECHNICAL COMMITTEE**

1. (1) The Technical Committee shall meet at such place in Kenya as the chairperson may determine and the meetings shall be convened by the chairperson. Meetings

(2) The Technical Committee shall have at least two meetings in every financial year.

(3) Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member by the secretary.

(4) The chairperson may, at his or her discretion or at the written request made by at least half of the members of the Technical Committee and within seven days of the request, convene an extraordinary meeting at such time and place and he or she may appoint.

(5) Meetings shall be presided over by the chairperson or in his or her absence by the vice-chairperson.

(6) The members of a Technical Committee shall elect a vice-chairperson from among themselves—

(a) at the first sitting of the Technical Committee; and

(b) whenever it is necessary to fill the vacancy in the office of the vice-chairperson.

(7) Where the chairperson or vice-chairperson is absent, the members shall appoint from among themselves, a person to chair the meeting of the Technical Committee.

(8) The Technical Committee may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the Technical Committee.

2. (1) If any person has a personal or fiduciary interest in a project, proposed contract or any matter before the Technical Committee, and is present at a meeting of the Technical Committee at which any matter is the subject of consideration, that person shall as soon as is practicable

Conflict of
interest

after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

3. (1) Subject to subparagraph (2), the quorum of the meeting shall not be less than half of the appointed members of the Technical Committee. Quorum

(2) Where the persons present at a meeting of the Committee do not constitute the quorum necessary to hold a meeting under this Act or where by reason of exclusion of a member from a meeting, the number of members present falls below the quorum necessary to hold a meeting, the Technical Committee shall postpone the consideration of the matter in question until there is a quorum.

4. A question before the Technical Committee shall be decided by simple majority of the members present and voting and the chairperson shall, in the case of an equality of votes, have a casting vote. Voting.

5. The Technical Committee shall—

- (a) determine rules of procedure for the conduct of its business; and
- (b) keep minutes of its proceedings and decisions.

Rules of
Procedure

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

Statistics are an indispensable component of planning for any government. Without timely and accurate statistical data, a government cannot match resources with needs. Statistics also act as a yardstick for governments to determine whether they are meeting their goals in providing services to their people. There is therefore a nexus between statistics and good governance in that reliable statistical data is vital for good decision-making, poverty reduction strategies, economic development strategies, access to information, transparency and accountability in governance.

Indeed, Part 2 of the Fourth Schedule to the Constitution provides for county statistics as one of the functional areas of county governments. The statistics collected by the county governments enable equitable resource allocation for purposes of the implementation of policies relating to the functions allocated to county governments under the Constitution.

Further, Part XI of the County Governments Act, 2011, requires counties to develop county integrated development plans, county sectoral plans, county spatial plans and cities and urban areas plans. In this regard, counties are mandated to ensure the collection, collation, storage and updating of data and information suitable for the planning process.

This Bill therefore seeks to establish a county statistical system that will enable evidence-based county planning for the development of counties and to measure the gains made by the county governments implementation of their policies.

The Bill is organized as follows—

Part I contains the preliminary provisions

Part II provides for the establishment, in each county government, of a county statistics office headed by a county statistician. The office shall reside under the county executive committee member who is responsible for planning within the county government. The office shall primarily be responsible for compiling, analyzing, abstracting and dissemination of statistical data relating to the devolved functions.

Part III provides for the establishment of a National Consultative Committee on Statistics for purposes of ensuring the implementation of uniform standards and methodologies in the country.

Part IV provides for collection, access to and usage of statistical information, in line with the Access to information Act. This shall protect the integrity of the statistical data relating to a county.

Part V contains the miscellaneous provisions.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

Clause 28 of the Bill provides that the county executive committee member may make Regulations with the approval of the county assembly. The Bill therefore delegates legislative powers to the county executive committee member for purposes of implementation of the objectives of the Bill.

The Bill however does not limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

Part 2 of the Fourth Schedule to the Constitution provides for county statistics as one of the functional areas of county governments. The Bill therefore concerns county governments in terms of Articles 110(1)(a) of the Constitution in that it contains provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 11th January, 2021.

HAJI FARHIYA ALI,
Senator.